<center>**REMARKS/ARGUMENTS**</center>

This Amendment is in response to the Office Action mailed 07/31/2003. In the Office Action, the Examiner rejected (i) claims 1-20 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-20 remain in this application. Claims 1, 10, 16 and 19 have been amended.

<center>*Double Patenting*</center>

The Examiner rejects claims 1-20 under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application No. 09/271,008. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<center>*Rejection Under 35 U.S.C. § 103*</center>

The Examiner rejects claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Simmons et al. (US 6,192,028) ("Simmons") in view of Frazier et al. (5,784,559) ("Frazier").

Simmons discloses a method and apparatus to provide programmable thresholds for half-duplex flow control in a network switch. The network switch includes MAC ports for sending and receiving data packets (Simmons, Col. 6, lines 5-9). Each of the MAC ports has a receive FIFO and a transmit FIFO (Simmons, Col. 6, lines 14-15). Frames are received and placed in the corresponding FIFO (Simmons, Col. 7, lines 47-49). A rule checker makes the forwarding decision and identifies at least one destination port based on the corresponding header information, and generates a forwarding instruction in a form of a port vector (Simmons, Col. 8, lines 7-12). The port vector is examined to determine which particular output queue the frame pointer associated with the port vector should be input (Simmons, Col. 8, lines 23-26).

Frazier discloses a full duplex flow control for Ethernet networks. When a RX_DV is asserted, the MAC receive processing logic accepts and processes data from the physical layer (Frazier, Col. 6, lines 5-7).

Simmons and Frazier taken alone or in any combination, do not disclose, suggest, or render obvious (1) receiving a plurality of indications denoting commencement of data packet, (2) assigning pointer values to corresponding records based at least in part on a relative order, and (3) the pointer value determining an order according to complete reception of the frame in which the respective data packet is promoted.

Simmons does not disclose, inherently or expressly, (1) receiving a plurality of indications denoting commencement of data packet, (2) assigning pointer values to corresponding records based at least in part on a relative order, and (3) the pointer value

25   determining an order <u>according to complete reception of the frame</u> in which the respective data
26   packet is promoted.

     <u>Simmons</u> merely discloses identifying the destination port address based on the header information and forms a port vector (<u>Simmons</u>, Col. 8, lines 7-12). The port vector merely determines which particular output queue the frame pointer should be input (<u>Simmons</u>, Col. 8, lines 23-26). The port vector does not assign a pointer value denoting a relative order of frame . It only indicates the destination port address. Furthermore, it does not determine an order <u>according to complete reception of the frame</u> in which the corresponding frame is promoted to a system state. It is used merely to queue the transmission of the data frame from the corresponding destination port (<u>Simmons</u>, Col. 8, lines 27-31).

     <u>Frazier</u> merely discloses asserting a RX_DV signal and processing data from the physical layer. This has nothing to do with indications denoting the start of frame transmission. Furthermore, <u>Frazier</u> does not disclose assigning pointer values to corresponding records based at least in part on a relative order, and the pointer value determining an order <u>according to complete reception of the frame</u> in which the respective data packet is promoted.

     Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over <u>Simmons</u> et al. (US 6,192,028) in view of <u>Frazier</u> et al. (5,784,559).
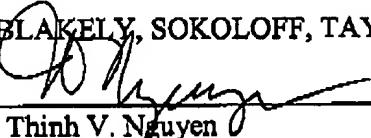
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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